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## FACSIMILE TRANSMISSION

**Total # of Pages Thirteen (13) (including this page)**

TO:	PHONE #:	FAX #:
Examiner Foley United States Patent and Trademark Office		571.273.0898

From : Eve L. Frank
Email Address : efrank@foley.com
Sender's Direct Dial : 202.945.6142
Date : August 11, 2004
Appl. No.: 09/667,556
Client/Matter No : 037067-0114
User ID No : 2393 – Kimberley Cox for Eve Frank

### MESSAGE:

Dear Examiner Foley,

Further to your request, attached is a copy of Applicants' response to the Notice to File Missing Parts which is date stamped as received by the USPTO on January 25, 2001. Please note that a Declaration, executed by both inventors, was included with this filing. The Declaration contains 4 pages.

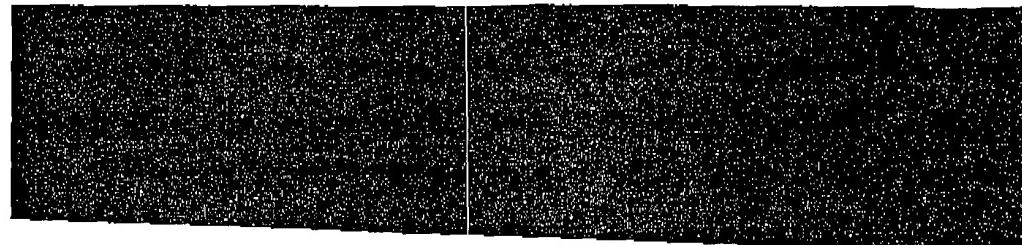
Thank you,

Eve

If there are any problems with this transmission or if you have not received all of the pages, please call 202.945.6052.

Operator:	Time Sent:	Return Original To: <i>Kimberley Cox~</i>
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



SBMORW01

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Title: MEDICAMENT FOR PREVENTING OR TREATING PAPILLOMA VIRUS-SPECIFIC TUMORS  
Inventor(s): Alexander Burger et al  
Appl. No.: 09/667,556 Dkt. No. 016779/0154  
S.M. -MMSC (1/25/01)

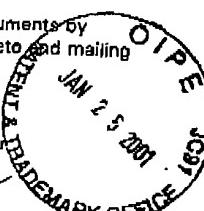
- Transmittal of Missing Parts of Patent Application (2 pgs.);
- Small Entity Statement (2 pgs.);
- Declaration and Power of Attorney (8 pgs.);
- Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533);
- Check Number 9320 for \$420.00.

Commissioner for Patents:

Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto and mailing this card.

Due Date: March 11, 2001

Respectfully,  
Foley & Lardner  
MMSC/mwb/glu  
INSPECTED BY



Atty. Dkt. No. 016779/0154

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alexander Burger et al

Title: MEDICAMENT FOR PREVENTING OR TREATING PAPILLOMA VIRUS-SPECIFIC TUMORS

Appl. No.: 09/667,556

Filing Date: 9/22/2000

Examiner: Unassigned

Art Unit: 1642

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on January 11, 2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

- [ X ] Declaration and Power of Attorney (8 pages).
- [ X ] Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533).
- [ X ] Small Entity Statement.
- [ X ] Check in the amount of \$420.00 in payment of \$355.00 Official Government filing fee and \$65.00 surcharge fee (37 C.F.R. § 1.16(e)).

Atty. Dkt. No. 016779/0154

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By S.A. Bent

Date January 25, 2001

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

Applicant or Patentee: Alexander BURGER et al.

Serial or Patent No.: Unassigned

Atty. Dkt. No. 016779/0154

Filed or Issued: September 22, 2000

For: MEDICAMENT FOR PREVENTING OR TREATING PAPILLOMA VIRUS-SPECIFIC TUMORS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27 (c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN MediGene Aktiengesellschaft

ADDRESS OF CONCERN Lochhamer Strasse 11, 82152 Martinsried, Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MEDICAMENT FOR PREVENTING OR TREATING PAPILLOMA VIRUS-SPECIFIC TUMORS by inventor(s) Alexander BURGER and Michael HALLEK described in

the specification filed herewith

application serial no.: PCT/EP99/01996, filed: March 24, 1999

patent no. \_\_\_\_\_, issued: \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \* NOTE: Separate verified statements are

required from each named person, concern or organization having rights to the invention  
affecting to their status as small entities: (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT CORPORATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Peter Heinrich, CEO MediGene AG

TITLE OF PERSON OTHER THAN OWNER: \_\_\_\_\_

ADDRESS OF PERSON SIGNING: Lochhamer Str. 11, 82152 Martinsried

Germany

SIGNATURE: Peter Heinrich DATE: Nov. 9, 00

Page 1 of 2

RLS

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/667,556	09/22/2000	Alexander Burger	016779/0154

Foley & Lardner  
 Washington Harbour  
 Suite 500  
 3000 K Street N W  
 Washington, DC 20007-5109

## FORMALITIES LETTER



\*OC000000005670669\*

~~DECLARATION AND FEE~~ due - 03/11/2001

Date Mailed: 01/11/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
  - - For Technical Assistance, call (703) 287-0200
  - - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 820.

*A copy of this notice **MUST** be returned with the reply.*

Page 2 of 2

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART I - ATTORNEY/APPLICANT COPY

Foley &amp; Lardner

3000 K Street N.W., Suite 500  
Washington, D.C. 20007  
PH. (202) 672-5300

No. 9320

January, 18, 2001

FOUR HUNDRED TWENTY AND 00/100 DOLLARS \*\*\*\*\*

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\*\*\*\*\*\$420.00PAY TO THE COMMISSIONER OF PATENTS & TRADEMARKS  
ORDER OF016779-0154 SUN TRUST BANK  
09/667,556 ALEXANDRIA, VIRGINIA  
PDG GLU  
Missing Parts/Declaration/Small Entity Statement